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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,370	11/26/2003	John N. Gross	JNG 98001C	8022
23694	7590	04/20/2007	EXAMINER	
J. NICHOLAS GROSS, ATTORNEY 2030 ADDISON ST. SUITE 610 BERKELEY, CA 94704			SPOONER, LAMONT M	
			ART UNIT	PAPER NUMBER
			2626	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/20/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/723,370	GROSS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lamont M. Spooner	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 February 2007.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 83-103 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 83-103 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 26 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/04/06 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 12/4/06 have been fully considered but they are not persuasive.

In response to Applicant's arguments regarding, “..bypass the security of such system and somehow deliver messages outside of the control measures imposed by such architecture...The Examiner contends that the author could somehow nonetheless transmit the message.” etc. The Examiner maintains the previous position, wherein the Examiner notes this limitation is inherently found in Cohen, wherein the author may direct the message to be transmitted, at any time, pre or post edit. The Examiner

is unable to locate anywhere in the Applicant's claim (see claim 1), wherein a message is transmitted "even if words in such email message still fall within said language filter." This step is completely missing from applicant's claimed invention (see claim 1), where it appears applicant is arguing this limitation into the claim. Therefore, the Examiner maintains the previous rejection.

In response to applicant's arguments regarding claim 89, More specifically, Cohen provides a particular dictionary, and Ishikawa teaches of a first and a second dictionary, (see previous rejection, see Fig. 5, see Fig. 16A), the Examiner further notes C.4.-Ishikawa provides a second electronic dictionary file, from stored in a memory, the second file separate from the first file, and is used as a supplemental dictionary.

In response to applicant's arguments regarding "identity...authors of documents have no access to the ratings" The Examiner cannot concur, as Russell-Falla explicitly teaches otherwise, see previous rejection (C.5.lines 34-51, wherein "In a preferred embodiment, the software includes means for a parent, guardian, or other administrator to set up one or more user accounts and select appropriate threshold values for each user." The Examiner notes that when the parent, guardian, or administrator is the user

and author, the claim limitation is immediately, inherently met. The Examiner notes applicant's arguments when the author is taken as setting the threshold, "the author could manipulate such browsers to render and present documents which may be incompatible with **the filtering goals of such reference**", however, the Examiner notes when the author is taken as setting the threshold, the author can manipulate the browser/email to render documents that are **compatible** with **their filtering goals of such reference (the examiner urges applicant to review C.1.lines 60-62)**.

3. In response to applicant's argument regarding the combination of Rayson and Cohen, the Examiner notes, the motivation is directly supplied in Rayson's summary, as the both Cohen and Rayson **provide word filters**, which interprets/fits clearly into appropriateness, and Rayson provides the benefit of scanning, based on indications related to time intervals, for the filtering/corrections, (see previous rejection).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 83-87, 92 and 96 rejected under 35 U.S.C. 102(e) as being anticipated by Cohen (US 5,796,948).

As per **claim 83 and 96**, Cohen teaches a method of permitting an author of an electronic mail (email) message to check text content using an electronic text editor program, the method comprising:

(a) selecting a language filter for checking words in the email message (C.3.lines 32-34), which language filter includes a first set of words that could be offensive and/or potentially inappropriate for use in connection with an intended recipient of the email message (ibid, C.4.lines 19-21-as his electronic dictionary-claim 96); and

(b) receiving input words entered by the author as text for the email message (C.3.lines 44-46);

(c) inspecting said input words to determine if they fall within said language filter (C.3.lines 58-63);

(d) alerting the author when one or more of said input words fall within said language filter (C.4.lines 42, 43);

(e) permitting the author to change words within the email message after step (d) and before the email message is transmitted to said intended recipient (C.4.line 42-66); and

wherein the author of the email message can direct that the email message be transmitted even if the words in such email message still fall within said language filter (ibid, interpreted as the author still directing to send the message be transmitted, despite the undeliverable message).

As per **claim 84**, Cohen teaches 83, and further teaches wherein said language filter includes obscene, vulgar and/or racist words found in a first pre-programmed dictionary created without input form the author (C.4.lines 19-21-his defined profanity substrings, and instrng functions).

As per **claim 85**, Cohen teaches claim 83, and further teaches providing a highlighting of any words which are determined to fall within said language filter along with an accompanying visual warning (C.4.lines 30, 31-his bracketing).

As per **claim 86**, Cohen teaches identifying a language filter to the author which was triggered during step (d) (C.4.lines 36-38-his profanity message).

As per **claim 87**, Cohen teaches claim 83, and further teaches a step (f): checking one or more additional electronic message files according to steps (a) through (d) (C.4.lines 42, 43).

As per **claim 92**, Cohen teaches claim 83, and further teaches wherein steps (a) through (e) are implemented as a software routine in a machine readable form executable by a personal computer (C.5.lines 28-31).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 88, 89 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Ishikawa (US 5,812,863).

As per **claims 88 and 89**, Cohen teaches claim 83, but lacks including a step (f): checking spelling of the email message, and further lack wherein said language filter includes a second dictionary with foreign language words.

However, Ishikawa teaches checking spelling (C.3.lines 45-51), and a dictionary with foreign language words (Fig. 5), which second dictionary is part of a second electronic file which is separate from a first electronic file used for said first set of words (C.4.-Ishikawa provides a second electronic dictionary file, from stored in a memory, the second file separate from the first file, and is used as a supplemental dictionary). Therefore, at the time of the invention, it would have been obvious to modify Cohen's email message (document) with spell checking and language filter for foreign language words. The motivation for doing so would have been to have correct spelling and improper foreign language words (C.8.line 66-C.9.line 27).

As per **claim 97**, Cohen teaches claim 96, but lacks teaching wherein said language filter includes at least a first dictionary and a second separate dictionary, and said alert includes an indication of which of said first dictionary or said second dictionary was triggered by said alert.

However, Ishikawa teaches said language filter includes at least a first dictionary and a second separate dictionary, and said alert includes an indication of which of said first dictionary or said second dictionary was triggered by said alert (Fig. 5 and Fig. 6-his slang dictionary, C.19.lines 51-

54). Therefore, at the time of the invention, it would have been obvious to modify Cohen's dictionary with two independent dictionaries. The motivation for doing so would have been identify the dictionary for the correction (Fig. 6-slang, ex. vulgar, standard).

8. Claims 90, 93, 91, 98 and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Russell-Falla et al. (Russell-Falla, US 6,675,162).

As per **claims 90 and 91**, Cohen teaches claim 83, but lacks teaching wherein an author is alerted during step (d) only if a sensitivity threshold specified by the author is exceeded, and wherein said sensitivity threshold is specified as a numerical value ranging from 1 to 10.

However, Russell-Falla teaches wherein an author is alerted only if a sensitivity threshold specified by the author is exceeded (C.5.lines 34-51, abstract). The Examiner takes Official notice that a sensitivity threshold can have a range of numerical values. Therefore, at the time of the invention, it would have been obvious to modify Cohen's language filter with a threshold specified by an author, wherein the threshold has a range (such as 1-10). The motivation for doing so would have to allow user designate a threshold to filter content (ibid, abstract).

As per **claims 93 and 98**, claims 93 and 98 set forth limitations similar to claim 83 and 91, and are thus rejected for the same reasons and under the same rationale.

As per **claim 99**, Cohen and Russell-Falla make obvious claim 98, Russell-Falla also teaches wherein said sensitivity threshold is used during a check of individual words in said language filter (C.5.lines 65-67, abstract-his email).

9. Claims 94, 95, and 100-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Rayson et al. (Rayson, US 5,761,689).

As per **claims 94, 95, 100, 101, 102, and 103**, claims 94, 95, 100 and 102, set forth limitations similar to claim 83, and are thus rejected for the same reasons and under the same rationale. Cohen lacks inspecting said input word substantially immediate in time after it is entered to determine if it falls within said language filter (claims 94 and 100), and further lacks inspecting said input words during idle periods when the author is not interacting with said electronic text editor program to determine if such input words fall within said language filter (claims 95 and 102).

However, Rayson teaches inspecting said input word substantially immediate in time after it is entered (wherein said input word is checked before the author has entered another input word-claim 101), and further teaches inspecting said input words during idle periods when the author is not interacting with said electronic text editor program (C.2.lines 12-24-his automatic as immediate and delimiting as before the user enters another word-claim 100, 101, C.3.lines 24-31-as his spell check, and language filtered as misspellings are interpreted as inappropriate for use in connection with an intended recipient of an email message-claims 102, 103). Therefore, at the time of the invention, it would have been obvious to modify Cohen's language filter with an immediate or after an idle period scan of the words to be filtered. The motivation for doing so would have been to automatically scan an entry either immediately as input or after an idle period, for correction (see summary).

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571/272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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